IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/577,866

Applicant: Khromykh et al.

Filed: April 28, 2006

TC/AU:

Examiner:

Docket No.: 252007 (Client Reference No. 12537US2-MLE/AKB)

Customer No.: 23460

Mail Stop PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

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within any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

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		rst Office Action on the merits; or (d) before the mailing of a first Office Action he filing of a request for continued examination under 37 CFR 1.114.
	37 CF	(a), (b), (c) or (d) above, but before the mailing date of a final action under R 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that vise closes prosecution in the application, and includes <i>one</i> of:
		the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
	\bigcap	the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
	under and or 37 CF	the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance 37 CFR 1.311, or an action that otherwise closes prosecution in the application, a or before payment of the issue fee, and includes the Statement under R 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as th in 37 CFR 1.17(p) (see "Fees" below).
	payme contain 37 CF: \$180 a NOTE: May 29	the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before ent of the issue fee, and within thirty days of receiving each item of information ned in the Information Disclosure Statement, and includes the Statement under R 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of as set forth in 37 CFR 1.17(p) (see "Fees" below). This is for original applications except applications for a design patent, filed on or after a paper containing only an Information Disclosure Statement in compliance CFR 1.97 and 1.98 is being filed.
Copie	es of the	References
\boxtimes	Copies herewi	s of all of the references listed on the enclosed Form 1449 are enclosed th.
	Form 1	of U.S. patents and patent applications that are listed on the accompanying 449 are not enclosed herewith. Copies of other references identified on the panying Form 1449 are enclosed herewith.
\boxtimes	relevar an Eng action degree	ed to each reference not in the English language is a concise explanation of the ace pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or lish-language abstract, or an English-language version of the search report or by a foreign patent office in a counterpart foreign application indicating the of relevance found by the foreign office is being submitted in lieu of a concise ation of the relevance pursuant to 37 CFR 1.98(a)(3).
\boxtimes	A copy	of the foreign search report is enclosed herewith.
	parent a	Gerences listed on the enclosed Form 1449 were previously identified in the application(s) of the present application, and copies of the references were ed at that time. Accordingly, additional copies of the references are not

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submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLI	CATIONS	STATUS (check one)			
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
1.					
2.					
3.					

State	ment under 37 CFR 1.97(e)
	The undersigned hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
	The undersigned hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.
Stater	nent under 37 CFR 1.704(d)
	The undersigned hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
Fees	
	No fee is owed by the applicant(s). Charge Deposit Account No. 12-1216 in the amount of \$180.00 (37 CFR 1.17(p)). (A duplicate copy of this communication is enclosed for that purpose.)

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Authorization to Charge Additional Fees

If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

Instructions as to Overpayment

Credit Account No. 12-1216.
Refund

Lenvifer M. Duk, Reg. No. 52,838 LEYDIG, VOIT & MAYER, LTD. Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, Illinois 60601-6780 (312) 616-5600 (telephone) (312) 616-5700 (facsimile)

Date: October 3, 2006

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10								
I hereby certify that this document and all accompanying documents are, on the date indicated below, being deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number EV329748892US, deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.								
Name (Print/Type)	Name (Print/Type) Linda A. Cameron							
Signature Link a. Camun Date October 3, 2006								

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Substitute for fo	orm 1449A/B/PTO			Application Number	10/577,866		
	DRMATION	חופר	'I OCH PE	Filing Date	April 28, 2006		
	-			First Named Inventor	Khromykh		
SIA	tement by	r ap	PLICANI	Group Art Unit			
	(Use as many sheet	s as nec	cessary)	Examiner Name			
Sheet	1	of	1	Attorney Docket Number	252007		

	U.S. PATENT DOCUMENTS								
		U.S. Patent Document							
Examiner Initials	Doc. No.	Application or Patent Number	Kind Code	Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate			
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				FORE	IGN PATENT DOCUMENTS				
_	Foreign Patent Document								
Examiner Initials	Doc. No.	Office	Application or Patent Number	Kind Code	Name of Patentee or Applicant	Date of Publication	Yes	No*+	
	АА	wo	2003/0046189	Α	University of Queensland and Council of the Queensland Institute of Medical Research	6/5/03			
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		OTHER - NON PATENT LITERATURE DOCUMENTS			
Examiner	Doc.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item			
Initials	No.	(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Yes	No*+	
	ΑВ	HALL, R. et al., DNA Vaccine Coding for the Full Length Infectious Kunjin Virus RNA Protects Mice Against the New York Strain of West Nile Virus, PNAS September 2, 2003, pp. 10460-10464, Vol. 100, No. 18			
	AC	KHROMYKH, A. et al., Completion of Kunjin Virus RNA Sequence and Recovery of an Infectious RNA Transcribed from Stably Cloned Full-Length cDNA, J. Virol., July 1994, pp. 4580-4588, Vol. 68, No. 7			
	ΑD	LIU W., et al., Molecular and Functional Analyses of Kunjin Virus Infectious cDNA Clones Demonstrate the Essential Roles for NS2A in Virus Assembly and for a Nonconservative Residue in NS3 in RNA Replication, J. Virol., July 2003, pp. 7804- 7813, Vol. 77, No. 14			

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Examiner Signature		Date Considered		
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A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

A Collide Statement of relevance is being submitted in field of a danisation. 37 CFR 1.36(a)(3).

An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

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